

Remarks/Arguments

A. Claims in the Case

Claims 1, 5, 6, 9, 14 and 15 are rejected. Claims 2 – 4, 7, 8, 10 – 13, 16 and 17 are objected to. Claim 18 has been added. Claims 1 – 18 are pending in the case.

B. The Claims Are Not Anticipated Pursuant to 35 USC §102

The Examiner rejected claims 1, 5, 9 and 14 pursuant to 35 U.S.C. § 102(b), as allegedly being anticipated by U.S. Patent No. 5,781,976 granted to Stuhlbacher et al. (hereinafter referred to as Stuhlbacher). Specifically, the Examiner contends that claims 1 and 9 are taught by column 1, lines 15 – 45 and column 2, line 45 – column 3, line 20 of Stuhlbacher. Applicant respectfully traverses these rejections.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Claims 1 and 9 are directed to a device and system for the prevention of the explosion of an electrical transformer. The claims recite a combination of features, which include "an enclosure filled with combustible coolant, and a decompression element coupled to the enclosure and configured to decompress the enclosure of the transformer during use, wherein the decompression element comprises a rupture element comprising a retention part, the retention part comprising first zones which have a reduced thickness in comparison with the rest of the retention part and are capable of tearing without fragmenting when the rupture element ruptures, and second zones which

have a reduced thickness in comparison with the rest of the retention part and are capable of folding without tearing when the rupture element ruptures...”

Stuhlbacher describes a method and apparatus for the fabrication of dimensionally stable, cylindrical filler bodies consisting of foil-like corrosion-resistant material strips that would allow protection against explosive combustions in fuel and gas tanks. The cited section of Stuhlbacher’s specification recites, in part:

“It has therefore been proposed to produce expanded metal from thicker aluminum foils, e.g. with a thickness of 65 to 85 mm. However, as it turned out, the above-described apparatus could not be used with such aluminum foils as their thickness was too high to provide an expansion in the longitudinal direction of the foil provided with transverse cuts simply by increasing the discharge speed relative to the supply speed.” (Stuhlbacher, column 1, lines 38 – 45).

“The principal object of this invention is to provide a filler body for increasing surface area in receptacles in order to prevent explosive combustion in these equipped receptacles when filled with combustible liquids or gases.

Proceeding from the state of the art mentioned-above, for this invention, the task was to develop a method which allows a continuous production of expanded material without oscillating masses in the machine parts. Further, no fixed and abradant elements should be contained in order to guarantee an exact extension over the total breadth of the expanded material. According to the invention, this aim is reached by a foil strip, which receives perforated cutting spots, staggered transverse to the conveying direction, the cutting spots stretched to the breadth and folded, lopped in pieces, cylindrically bent round, twisted at the ends and continuously rolled into cylindrical form bodies.” (Stuhlbacher, column 2, lines 45 – 60)

“The invention relates to a method of and an apparatus for the performance of the method for the fabrication of dimensionally stable, cylindrical bodies, consisting of foil-like, preferably corrosion resistant material strips, especially consisting of metal, paper, paper board, synthetic material or a combination by coating, which allows a continuous fabrication without having oscillating masses in the machine parts.

The aim is reached by a foil strip which receives perforated cutting spots, staggered transverse to the conveying direction, the cutting spots stretched to the breadth and folded, lopped in pieces, cylindrically bent round, twisted at the ends and continuously rolled into cylindrical form bodies.

This method for the production of form bodies in huge amounts is, after a further formation, used advantageously, if the foil strip gets an extension of preferably threefold breadth, the same is folded to a double, preferably threefold formed body, wherein the lopped, multilayered formed bodies, as cylindrical parts, have a length which corresponds to double the diameter.” (Stuhlbacher, column 3, lines 1 – 21).

Applicant contends that the cited sections of Stuhlbacher, and Stuhlbacher’s disclosure, fails to teach the protection of an electrical transformer comprising a means for decompressing the enclosure of the transformer connected to said enclosure and capable of decompressing said enclosure when the transformer is in operation. Applicant further contends that Stuhlbacher fails to teach a rupture element provided with a retention part including first zones which have a reduced thickness in comparison with the rest of the retention part and are capable of tearing without fragmenting when the said element ruptures, and second zones which have reduced thickness in comparison with the rest of the retention and are capable of folding without tearing when the said elements rupture.

Applicant submits that, for at least the reasons cited above, Stuhlbacher does not anticipate the combined features of claims 1 and 9. Applicant therefore respectfully requests the withdrawal of the claim rejections based on these grounds.

The Examiner also rejected dependent claims 5 and 14 pursuant to 35 USC §102(b) as allegedly being anticipated by Stuhlbacher, column 1, lines 23 – 25, which recites:

“At the beginning, the expanded metal used for these purposes has been made from very thin aluminum foil of a thickness of about 40 mm.”

Applicant contends that, for at least the same reasons discussed above with regard to the Examiner’s rejection of claims 1 and 9, the invention disclosed in Stuhlbacher does not appear to teach or suggest the combination of features found in claims 5 and 14.

In light of the above, Applicant submits that claims 1, 5, 9 and 14 are patentable over Stuhlbacher pursuant to 35 U.S.C. §102, and respectfully requests the withdrawal of claim rejections on these grounds.

C. The Claims Are Not Obvious Pursuant to 35 USC §103

The Examiner rejected claims 6 and 15 pursuant to 35 U.S.C. § 103(a) as allegedly being obvious over Stuhlbacher in light of US Patent No. 4,117,525 granted to Moore (hereinafter referred to as Moore). The Examiner states “Stuhlbacher et al. discloses the elements as claims, except for a rupture-detection element integrated with the rupture element.”

The Examiner further states that column 3, lines 11 – 14 of “Moore shows a rupture-detection element integrated with the rupture element.”

Based on the above, the Examiner takes the position that it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the device of Stuhlbacher to include a rupture-detection element integrated with the rupture element as taught by Moore for providing overpressure protection. Applicant respectfully traverses these rejections.

In order to reject a claim as obvious, the Examiner has the burden of establishing a *prima facie* case of obviousness. *In re Warner et al.*, 379 F.2d 1011, 154 USPQ 173, 177-178 (CCPA 1967). To establish a *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974), MPEP § 2143.03.

If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), MPEP § 2143.03.

For at least the same reasons described above, Applicant submits that the combination of features found in claims 1 and 9 are neither taught by nor rendered obvious by the teachings of the combined cited art. Applicant therefore contends that the combined features of dependent claims 6 and 15, in the context of claims 1 and 9, likewise are not taught or suggested by the cited art.

In light of the above, Applicant respectfully requests withdrawal of the 35 USC §103(a) rejection of claims 6 and 15.

D. New Claim

Applicant has added new claim 18, which is drawn to an electrical transformer equipped with the device for the prevention against explosion. Addition of claim 18 does not incorporate new matter. Support for the new claim can be found in Figures 3 and 4, and page 2, line 31 – page 3, line 13 of Applicant's specification.

E. Summary

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Appl. Ser. No.: 09/937,362
Atty. Dkt. No.: 5310-03400

In light of the above, Applicant believes the claims to be in condition for allowance. Applicant therefore respectfully requests the removal of all outstanding rejections. Examiner's favorable reconsideration of the claims is therefore respectfully solicited.

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Applicant believes no fees are due with this response. If any extension of time is required, Applicant hereby requests the appropriate extension of time. If any fees are inadvertently omitted, or if any additional fees are required, please charge those fees to Meyertons, Hood, Kivlin, Kowert & Goetzel Deposit Account No. 50-1505/5310-03400/EBM.

Respectfully submitted,



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Date: November 4, 2003